



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
George Washington Memorial Parkway
700 George Washington Memorial Parkway
McLean, VA 22101



Record of Determination for a temporary closure for biking and foot races events on the Clara Barton Parkway.

The George Washington Memorial Parkway is closing the Clara Barton Parkway to all events such as bicycle races, runs and/or walks, due to unsafe road surface conditions. This closure will be in effect in fiscal year 2018 and until further notice pending major repairs to the roadway. It has been determined that the park cannot bring these roadways into a safe condition by simply filling potholes or cutting and patching on a scale large enough to support bicycle and foot racing/events until further notice pending major repairs to the roadway.

The park closure is necessary for continued repairs needed to protect the safety of future biking events on the Clara Barton Parkway. Listed below are examples of safety issues used to determine that events cannot be supported on the Clara Barton Parkway:

- Severe surface damage and pothole patches in the areas between the pumping station and Sycamore Island Pedestrian Bridge
- Severe surface damage and pothole patches in the area outbound under I 495
- Severe surface damage and pothole patches inbound in both left and right lane between the US Navy Model Basin and the Cabin John Parkway.
- Severe surface damage on all four ramps from the Clara Barton Parkway and Cabin John access road.
- Severe surface damage on the ramp to and from Glen Echo.
- Failing base and uneven surfaces in the areas both inbound and outbound at the Chain Bridge parking area.

Less restrictive measures will not suffice due to the necessity for the road to properly be protected from a high impact event in the adjacent area. The temporary closure of the roadways would go into effect from February 2018 until further notice pending major repairs to the roadway. This temporary and partial closure is not of a nature, magnitude and duration that will result in a "significant alteration in the public use pattern". Indeed, other nearby park areas will remain open to the public. The closure will not adversely affect the park's natural, aesthetic or cultural values; nor require significant modification to the resource management objections; nor is it of a highly controversial nature. Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted Under 36 C.F.R. § 1.5(c).

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR 1.5 (b). This determination is consistent with hundreds of earlier partial or temporary closures, the legal opinion of the Office of the Solicitor, and judicial adjudications that have upheld other National Park Service closures and public use limitations to include *Spiegel v. Babbitt*, 855 F. Supp. 402 {D.D.C.1994} affd in part w/o op. 56 F. 3d 1531

(D.C. Cir. 1995), reported in *fu/1*, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995); *ANSWER Coalition v. Norton*, No. 02-1715 (D.D. C. August 22, 2002), plaintiffs emergency motion for appeal for injunction pending appeal denied *Mahoney v. Norton*, No. 02- 5275 (D.C. Cir. September 9, 2002) (per curiam); *Picciotto v United States*, No. 99-2113 (D.D.C. August 6, 2000); *Picciotto v. Lujan*, No. 90-1261 (D.D.C. May 30, 1990); and *Picciotto v. Hodel*, No. 87-3290 (D.D.C. December 7, 1987).

Pursuant to 36 CFR 1.5(c), 1.7, notice of this temporary closure will be made through a media advisory and an alert of the park webpage. Finally, pursuant to 36 CFR 1.5(c), this determination is available to the public upon request.

This is consistent with hundreds of earlier partial and temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications.

Picciotto v. United States, No. 99-2113 (D.D.C.); *Picciotto v. United States*, No. 94-1935 (D.D.C.); *Picciotto v. Lulan*, No. 90-1261 (D.D.C.); *Picciotto v. Hodel*, No. 87-3290 (D.D.C.); *Spiegel v. Babbitt*, 855 F.Supp. 402 (D.D.C. 1994), affld in part w/o op. 56 F.3d 1531 (D.C. Cir. 1995).



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7/31/18
Date